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(10/82)

## **COMMITMENT TO ANOTHER DISTRICT**

**(Rule 40, Federal Rules of Criminal Procedure)**

United States District Court		DISTRICT EASTERN DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v.  Cliff Johnson		DOCKET NO. FILED FEB 27 2007 4P
		MAGISTRATE CASE NO. ERK, U.S. DISTRICT COURT EA. ERIN DISTRICT OF CALIFORNIA BY 1:07 MJ 00039 DEPUTY CLERK
CHARGES AGAINST THE DEFENDANT ARE FILED BASED UPON AN <input checked="" type="checkbox"/> Indictment <input type="checkbox"/> information <input type="checkbox"/> complaint <input type="checkbox"/> Other (specify)		
charging a violation of 21 U.S.C. § 846, 841(a)(b)		DATE OF OFFENSE 1-2002
DISTRICT OF OFFENSE DISTRICT OF Alabama, Montgomery		
DESCRIPTION OF CHARGES:  Indictment		
<p>I hereby attest and certify on <u>2/28/07</u>  that the foregoing document is a full, true  and correct copy of the original on file in my  office and in my legal custody.</p> <p>VICTORIA C. MINOR  CLERK, U.S. DISTRICT COURT  EASTERN DISTRICT OF CALIFORNIA</p> <p>By _____ Deputy _____</p>		
BOND IS FIXED AT \$ <u>detained</u> EASTERN DISTRICT OF CA DISTRICT		
TO: THE UNITED STATES MARSHAL  You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.		
<u>2/23/2007</u> <u>Dennis L. Beck</u> DENNIS L. BECK, U.S. Magistrate Judge		
RETURN		
This commitment was received and executed as follows:		
DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL

UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CASE NO. 1:07 MJ 00039 SMS
	)	
Plaintiff,	)	<u>DETENTION ORDER</u>
	)	
V.	)	
	)	
CLIFTON JOHNSON,	)	
	)	
Defendant.	)	
	)	

A. **Order For Detention**

After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).

B. **Statement Of Reasons For The Detention**

The Court orders the defendant's detention because it finds:

- By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
- By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

C. **Findings Of Fact**

The Court's findings are based on the evidence which was presented in Court and that which was contained in the Pretrial Services Report, and includes the following:

(1) Nature and circumstances of the offense charged.

- (a) The crime: conspiracy to possess Cocaine with the intent to distribute is a serious crime and carries a maximum penalty of life.
- (b) The offense is a crime of violence.
- (c) The offense involves a narcotic drug.
- (d) The offense involves a large amount of controlled substances, to wit: .

(2) The weight of the evidence against the defendant is high.

(3) The history and characteristics of the defendant including:

(a) General Factors:

- The defendant appears to have a mental condition which may affect whether the defendant will appear.
- The defendant has no family ties in the area.
- The defendant has no steady employment.
- The defendant has no substantial financial resources.
- The defendant is not a long time resident of the community.
- The defendant does not have any significant community ties.

Past conduct of the defendant: .

- The defendant has a history relating to drug abuse.
- The defendant has a history relating to alcohol abuse.
- The defendant has a significant prior criminal record.
- The defendant has a prior record of failure to appear at court proceedings.

(b) Whether the defendant was on probation, parole, or release by a court:

At the time of the current arrest, the defendant was on:

Probation.

Parole.

Release pending trial, sentence, appeal or completion of sentence.

(c) Other Factors:

The defendant is an illegal alien and is subject to deportation.

The defendant is a legal alien and will be subject to deportation if convicted.

Other: Defendant does not oppose the Government's motion he be detained pending his appearance in the Middle District of Alabama. He will request a hearing in that district.

(4) The nature and seriousness of the danger posed by the defendant's release are as follows: .

(5) Rebuttable Presumptions

In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e), which the court finds the defendant has not rebutted:

a. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:

(A) A crime of violence; or

(B) An offense for which the maximum penalty is life imprisonment or death; or

(C) A controlled substance violation which has a maximum penalty of 10 years or more; or

(D) A felony after the defendant had been convicted of two or more prior offenses described in (A) through (C) above, and the defendant has a prior conviction of one of the crimes mentioned in (A) through (C) above which is less than five years old and which was committed while the defendant was on pretrial release.

b. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:

(A) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.

(B) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

c. That the defendant has committed an offense after April 30, 2003, involving a minor victim under sections 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of Title 18.

**D. Additional Directives**

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

The defendant be afforded reasonable opportunity for private consultation with his counsel; and

That, on order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated: February 27, 2007

/s/ Dennis L. Beck

UNITED STATES MAGISTRATE JUDGE

CLOSED

**U.S. District Court  
Eastern District of California - Live System (Fresno)  
CRIMINAL DOCKET FOR CASE #: 1:07-mj-00039-SMS-ALL**

Case title: USA v. Johnson

Date Filed: 02/21/2007

Assigned to: Magistrate  
Judge Sandra M. Snyder

I hereby attest and certify on 2/28/07  
that the foregoing document is a full, true  
and correct copy of the original on file in my  
office and in my legal custody.

VICTORIA C. MINOR  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Deputy

**Defendant**

**Cliff Johnson (1)**  
TERMINATED: 02/28/2007

**Disposition**

**Pending Counts**

None

**Highest Offense Level  
(Opening)**

None

**Disposition**

**Terminated Counts**

None

**Highest Offense Level  
(Terminated)**

None

**Disposition**

**Complaints**

None

**Plaintiff****USA**

Date Filed	#	Docket Text
02/21/2007	•1	RULE 5(c)(3) DOCUMENTS RECEIVED as to Cliff Johnson (Kusamura, W) (Entered: 02/22/2007)
02/21/2007	•3	MINUTES (Text Only) for proceedings held before Judge Sandra M. Snyder on 2/21/2007: Oral MOTION for appointment of counsel, defense states defendant has retained counsel in Alabama - So Ordered FD appointed for here. INITIAL APPEARANCE in RULE 5(c)(3) PROCEEDINGS from Middle Dist of Alabama, Montgomery re Indictment as to Cliff Johnson held - defendant waived reading, rights & I.D. hearing and enters a NOT GUILTY plea re Indictment; govt notes Indictment was unsealed in Alabama as to this defendant on 2/21/07. DETENTION HEARING set for 2/23/2007 at 01:30 PM in Courtroom 9 (DLB) before Judge Dennis L. Beck. Government Counsel K. Servatius present. Defense Counsel C. Leonetti - FD appointed present. Custody Status: in Custody. Court Reporter/CD Number: J. Vasquez. (Herman, H) (Entered: 02/22/2007)
02/23/2007	•4	MINUTES (Text Only) for proceedings held before Judge Dennis L. Beck :DETENTION HEARING as to Cliff Johnson held on 2/23/2007. The defendant is ordered detained and transported to the Middle District of Alabama, Montgomery. Government Counsel K Servatius present. Defense Counsel C Leonetti present. Custody Status: Custody. Court Reporter/CD Number: ECRO. (Hernandez, M) (Entered: 02/26/2007)

02/27/2007	•5	DETENTION ORDER as to Cliff Johnson signed by Judge Dennis L. Beck on 2/27/2007. (Hernandez, M) (Entered: 02/27/2007)
02/27/2007	•6	COMMITMENT to ANOTHER DISTRICT signed by Judge Dennis L. Beck on 2/23/07 as to Cliff Johnson. Defendant committed to District of Montgomery, Alabama. (Lundstrom, T) (Entered: 02/28/2007)
02/28/2007	•7	TRANSMITTAL of DOCUMENTS re <u>6</u> Commitment to Another District on *2/27/2007* to * U.S. District Court Clerk* *Middle District of Alabama* *P.O. Box 711* *Montgomery, AL 36101*. *Electronic Documents: 1 to 6. *. (Lundstrom, T) (Entered: 02/28/2007)